

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TELESPECTRUM, INC. FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT)
A CELL SITE OFF PINE RIDGE/RANCH ROAD, NORTHWEST) CASE NO
OF OLIVE HILL, IN WESTERN CARTER COUNTY, KENTUCKY) 97-394
(GLOBE SITE))

O R D E R

On September 25, 1997, TeleSpectrum, Inc. ("TeleSpectrum") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications facility for the Huntington MSA. The Huntington MSA includes Greenup, Carter, and Boyd counties. TeleSpectrum has requested authorization to construct a cell site in Carter County. TeleSpectrum was previously granted authority to operate a cellular radio telecommunications system in the Huntington MSA in Case No. 96-371.¹

¹ Case No. 96-371, The Joint Application of Telespectrum, Inc., a Kansas Corporation, CC Industries, Inc., a Delaware Corporation, James A. Dwyer, Jr., David Winstel, Independent Cellular Network Partners, an Illinois Partnership and Independent Cellular Network, Inc. for Approval of (1) the Transfer of all Outstanding and Issued Common and Preferred Shares of Independent Cellular Network, Inc. and the Merger of Independent Cellular Network, Inc. into Telespectrum, Inc. with Telespectrum, Inc. Being the Surviving Entity; and (2) the Approval of the Adoption by Telespectrum, Inc. of the Tariff of Independent Cellular Network, Inc. Simultaneously with the Consummation of the Merger.

The proposed cell site consists of a 180-foot or less self-supporting antenna tower to be located off Pine Ridge Road, approximately 650 feet southeast of I-64 and approximately 6300 feet southwest of the intersection of I-64 and KY 2, near Olive Hill in Carter County, Kentucky ("the Globe cell site"). The coordinates for the Globe cell site are North Latitude 38° 19' 23" by West Longitude 83° 13' 41".

TeleSpectrum has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Globe cell site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.324(1), the Globe cell site's construction is exempt from local zoning ordinances; however, TeleSpectrum notified the Carter County Judge/Executive of the pending construction. TeleSpectrum has filed applications with and received responses from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Globe cell site. Both agencies informed TeleSpectrum that a filing for the site was not required.

TeleSpectrum has filed notices verifying that each person who owns property within 500 feet of the Globe cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after TeleSpectrum's application was filed.

On October 8, 1997, a protest letter was received from Mr. and Mrs. Donald Chambers, who were granted intervenor status on November 14, 1997. A hearing

scheduled for February 20, 1998 was rescheduled for March 10, 1998 and rescheduled once again for April 2, 1998.

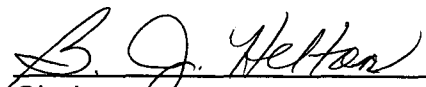
At the hearing, Mr. Chambers raised objections to the tower being located adjacent to his property and home. Mr. Chambers further produced multiple possible tower sites on the Lessor's property. The Commission is aware that cell site construction is exempt from local zoning ordinances. Therefore, in considering the public interest with regard to Certificates of Public Convenience and Necessity, it cannot decline to be cognizant of and sensitive to the concerns of the residents and landowners whose property is affected.

The Commission, having considered the evidence of record and balancing the interests of the applicant against the interests of the intervenor, finds that the public interest and convenience is not served by granting this certificate.

IT IS THEREFORE ORDERED that TeleSpectrum should continue this case and seek other locations for the Globe site.

Done at Frankfort, Kentucky, this 25th day of June, 1998.

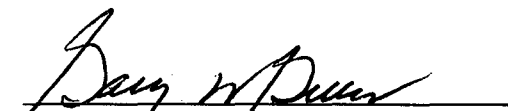
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner